

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

UNITED STATES OF AMERICA) DOCKET NO. 1:19CR35
v.) FACTUAL BASIS
SAMMY HORACE WILLIAMS, II)

NOW COMES the United States of America, by and through R. Andrew Murray, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of a plea in this matter.

This Factual Basis is filed pursuant to Local Criminal Rule 11.2 and does not attempt to set forth all of the facts known to the United States at this time. By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea that the defendant will tender, and that the facts set forth in this Factual Basis are sufficient to establish all of the elements of the crime. The parties agree not to object to or otherwise contradict the facts set forth in this Factual Basis.

Upon acceptance of the plea, the United States will submit to the Probation Office a "Statement of Relevant Conduct" pursuant to Local Criminal Rule 32.4. The defendant may submit (but is not required to submit) a response to the Government's "Statement of Relevant Conduct" within seven days of its submission. The parties understand and agree that this Factual Basis does not necessarily represent all conduct relevant to sentencing. The parties agree that they have the right to object to facts set forth in the presentence report that are not contained in this Factual Basis. Either party may present to the Court additional relevant facts that do not contradict facts set forth in this Factual Basis.

1. On May 18, 2017, during an investigation into child pornography on the internet, Homeland Security Investigations (HSI) executed a federal search warrant at the 170 Dix Creek Chapel Road, Asheville, North Carolina, within the Western District of North Carolina. SAMMY HORACE WILLIAMS, II was a resident of the home.

2. During the search, HSI agents seized multiple computer devices, thumb drives, and CDs belonging to WILLIAMS. Computer forensics revealed the following concerning each device:

a. Compaq Presario Laptop Computer – This device contained **10 child pornography image files** depicting nude children involved in sexual activities or making lewd and lascivious exhibitions of their genitals.

- b. Dell Laptop Computer – This device contained **10 child pornography video files** depicting children involved in sexual activity or making lewd and lascivious exhibitions of their genitals.
- c. Hitachi Thumb Drive - This device contained **5 child pornography video files** depicting children involved in sexual activity or making lewd and lascivious exhibitions of their genitals.
- d. EMTEC Thumb Drive - This device contained **10 child pornography video files** depicting children involved in sexual activity or making lewd and lascivious exhibitions of their genitals.
- e. PNY Thumb Drive - This device contained **35 child pornography video files** depicting children involved in sexual activity or making lewd and lascivious exhibitions of their genitals.
- f. Black Sandisk Thumb Drive - This device contained **2 child pornography video files** depicting children involved in sexual activity or making lewd and lascivious exhibitions of their genitals.
- g. Red Sandisk Thumb Drive - This device contained **14 child pornography video files** depicting children involved in sexual activity or making lewd and lascivious exhibitions of their genitals.
- h. 28 CDs found in bedroom – These CDs contained **580 child pornography image files** depicting children making lewd and lascivious exhibitions of their genitals. These CDs also contained **305 child pornography video files** depicting children involved in sexual activity or making lewd and lascivious exhibitions of their genitals.
- i. 32 additional CDs – These CDs contained **1,057 child pornography image files** depicting children making lewd and lascivious exhibitions of their genitals. These CDs also contained **69 child pornography video files** depicting children engaging in sexual activity.

3. Of WILLIAMS' entire child pornography collection, approximately 50 percent of it depicted prepubescent children and approximately 50 percent of it depicted pubescent children.

4. In an interview with HSI agents, WILLIAMS said that he downloaded the child pornography files via the Internet to his computers and storage devices.

5. The devices were manufactured outside of North Carolina. The Internet is a facility of interstate commerce.

R. ANDREW MURRAY
UNITED STATES ATTORNEY


David A. Thorneloe
ASSISTANT UNITED STATES ATTORNEY

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis and the Bill of Indictment in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis and the Bill of Indictment. I hereby certify that the defendant does not dispute this Factual Basis.


Mary Ellen Coleman, Attorney for Defendant

DATED: 10/16/19